Reader Aids

Federal Register

Vol. 73, No. 156

Tuesday, August 12, 2008

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	202–741–6000
Laws	741–6000
Presidential Documents	
Executive orders and proclamations	741-6000
The United States Government Manual	741–6000
Other Services	
Electronic and on-line services (voice)	741-6020
Privacy Act Compilation	741–6064
Public Laws Update Service (numbers, dates, etc.)	741–6043
TTY for the deaf-and-hard-of-hearing	741–6086

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: http://www.gpoaccess.gov/nara/index.html

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access are located at: http://www.archives.gov/federal register

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to http://listserv.gsa.gov/archives/publaws-l.html and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, AUGUST

44897–45152	1
45153-45342	4
45343-45604	5
45605-45852	6
45853-46168	7
46169-46528	8
46529-46796	11
46797-47026	12

CFR PARTS AFFECTED DURING AUGUST

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR	23045646
-	23245646
318546529	23945646
3 CFR	24046138
	27445646
Executive Orders:	27545646
1233345325	18 CFR
1347045325	
5 CFR	38845609
	Proposed Rules:
35146530	41044945
53245853	19 CFR
7 CFR	
	1045351
6545106	10245351
25046169	16245351
98145153	16345351
343044897	17845351
Proposed Rules:	Proposed Rules:
21045359	2445364
22045359	20 CFR
10 CFR	
	Proposed Rules: 22044946
Proposed Rules:	22044940
3545635	21 CFR
5046557	52045610
5146204 7245173	52245611
7245173	55845874
12 CFR	
2446532	24 CFR
22646190	Proposed Rules:
33845854	1546826
35245854	90345368
002	94145368
14 CFR	94545368
2545156, 46539	96645368
3945343, 45345, 45346,	26 CFR
45348, 45350, 45857, 46542,	20 0. 11
	45040
46543, 46546, 46548, 46550	145612
46543, 46546, 46548, 46550 7145605, 45606, 45607,	Proposed Rules:
46543, 46546, 46548, 46550 7145605, 45606, 45607, 46552	Proposed Rules: 145180, 45656, 45908,
7145605, 45606, 45607,	Proposed Rules:
7145605, 45606, 45607, 46552	Proposed Rules: 145180, 45656, 45908,
7145605, 45606, 45607, 46552 9146797	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules:
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules:	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952
7145605, 45606, 45607, 46552 9144909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900,	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900, 45902, 46569, 46823	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR
7145605, 45606, 45607, 46552 9144909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900,	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900, 45902, 46569, 46823 6145905	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules: 140445660
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900, 45902, 46569, 46823 6145905 15 CFR	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules:
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900, 45902, 46569, 46823 6145905	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules: 140445660
7145605, 45606, 45607, 46552 9144909, 45860 Proposed Rules: 25	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules: 140445660 30 CFR
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900, 45902, 46569, 46823 6145905 15 CFR 70	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules: 140445660 30 CFR 94446804
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 2545886 3944937, 45174, 45176, 45178, 45644, 45888, 45891, 45893, 45895, 45898, 45900, 45902, 46569, 46823 6145905 15 CFR 70	Proposed Rules: 1
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 25	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules: 140445660 30 CFR 94446804 Proposed Rules: 90146213 32 CFR
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 25	Proposed Rules: 1
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 25	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules: 140445660 30 CFR 944
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 25	Proposed Rules: 1
7145605, 45606, 45607, 46552 9146797 9744909, 45860 Proposed Rules: 25	Proposed Rules: 145180, 45656, 45908, 46572 27 CFR Proposed Rules: 946830, 46836, 46842 1944952 29 CFR Proposed Rules: 140445660 30 CFR 944

11745615, 46191, 461 16544911, 44913, 456 45617, 45875, 46194, 462 Proposed Rules: 100459	15 200 919
36 CFR	
Proposed Rules: Subchapter B452 7462	
37 CFR	
Proposed Rules: 1	662
39 CFR 3020458	348
40 CFR	
5244915, 45158, 4516 45162, 45879, 462	
55	921 62
18045312, 45624, 456	329

Proposed Rules:
5245184, 45185, 45186,
45924, 45925
6345673
8145186
25845187
27145193
42 CFR
41246370
41346416
41846464
Proposed Rules:
40544952
40944952
41044952, 46575
41144952
41444952
41544952
41946575
42444952
48544952
48644952
44 CFR
6546809
6744924, 46811
Proposed Rules:
67 46849 46851 46853

45 CFR	
118546	3520
	3329
Proposed Rules:	
26146	5230
47 CFR	
644	5354
Proposed Rules:	
7345374, 45375, 45	376
45377, 45928, 46232, 46	,
	233, 3234
46	0234
48 CFR	
Ch. 246	6813
20346	6814
20846816, 46	3817
20946	
21746	
22546	
23646	
246	
250	
25246814, 46817, 46	
52240614, 40617, 40	
	3202
Proposed Rules:	
50345	
51244	
51344955, 46	3579
52845	5378

54644953, 45194,	
1804 1852	45679
49 CFR	
57144927	
Proposed Rules: 260	4696 <u>0</u>
356	
365	
374	
594	
50 CFR	
1745534	, 46988
64845358, 45882	
66045883	
67945884	, 46821
Proposed Rules:	
1745383, 45680,	,
45935, 46860	•
20	
300	
600	465/9

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT AUGUST 12, 2008

DEFENSE DEPARTMENT Defense Acquisition Regulations System

Defense Federal Acquisition Regulation Supplement:

Competition Requirements for Purchases from Federal Prison Industries (DFARS Case 2008-D015); published 8-12-08

Conforming Changes -Standards of Conduct and Extraordinary Contractual Actions (DFARS Case 2008-D004); published 8-12-08

Item Identification and Valuation Clause Update (DFARS Case 2007-D007); published 8-12-08

Ship Critical Safety Items (DFARS Case 2007-D016); published 8-12-08

Small Business Program Name Change (DFARS Case 2008-D001); published 8-12-08

Technical Amendments; published 8-12-08

Trade Agreements - New Thresholds (DFARS Case 2007-D023); published 8-12-08

DEFENSE DEPARTMENT

TRICARE; Reserve and Guard Family Member Benefits; published 8-12-08

ENVIRONMENTAL PROTECTION AGENCY

National Oil and Hazardous Substances Pollution Contingency Plan:

National Priorities List; published 6-13-08

National Priorities List Update; published 6-13-08

National Pollutant Discharge Elimination System (NPDES) Water Transfers Rule; published 6-13-08

FEDERAL COMMUNICATIONS COMMISSION

Public Safety and Homeland Security Bureau Establishes Post-Reconfiguration: 800 MHz Band Plan for the U.S and Canada Border Regions; published 6-13-

INTERIOR DEPARTMENT Surface Mining Reclamation and Enforcement Office

Utah Regulatory Program; published 8-12-08

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Airworthiness Directives:

Airbus Model A330
Airplanes and Model A340
200 and 300 Series
Airplanes; published 7-808

APEX Aircraft Model CAP 10 B Airplanes; published 7-8-08

ATR Model ATR42 Airplanes and Model ATR72-101, -102, -201, -202, 211, and 212 Airplanes; published 7-8-08

Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes; published 7-8-08

Boeing Model 737-300 and -400 Series Airplanes; published 7-8-08

Dassault Model Falcon 2000 Airplanes; published 7-8-08

Gulfstream Aerospace LP Model Astra SPX, 1125 Westwind Astra, and Gulfstream 100 Airplanes; published 7-8-08

Lockheed Model 1329 Series Airplanes; published 7-8-08

McDonnell Douglas Model DC-9-81 (MD-81), et al.; published 7-8-08

COMMENTS DUE NEXT WEEK

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Milk in the Northeast and Other Marketing Areas; comments due by 8-19-08; published 6-20-08 [FR E8-13943]

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Revision of the Hawaiian and Territorial Fruits and Vegetables Regulations; comments due by 8-18-08; published 6-17-08 [FR E8-13480]

COMMERCE DEPARTMENT National Oceanic and Atmospheric Administration

Marine Recreational Fisheries of the United States; National Saltwater Angler Registry Program; comments due by 8-21-08; published 8-11-08 [FR E8-18408]

COMMERCE DEPARTMENT Patent and Trademark Office

Fiscal Year 2009 Changes to Patent Cooperation Treaty Transmittal and Search Fees; comments due by 8-18-08; published 6-18-08 [FR E8-13730]

COMMODITY FUTURES TRADING COMMISSION

Exemption Request for Certain Over-the-Counter Swaps from Requirements Imposed by Commission Regulation (35.2); comments due by 8-21-08; published 7-7-08 [FR E8-15274]

DEFENSE DEPARTMENT Engineers Corps

Programmatic Regulations for the Comprehensive Everglades Restoration Plan; comments due by 8-18-08; published 5-20-08 [FR E8-11250]

ENVIRONMENTAL PROTECTION AGENCY

Approval and Promulgation of Air Quality Implementation Plans:

Pennsylvania; Redesignation of the Clearfield/Indiana 8-Hour Ozone Nonattainment Area to Attainment and Approval of the Maintenance Plan and 2002 Base-Year; comments due by 8-22-08; published 7-23-08 [FR E8-16639]

Texas; Control of Air Pollution from Volatile Organic Compounds; comments due by 8-18-08; published 7-17-08 [FR E8-15728]

Determination of Attainment of the One-Hour Ozone Standard:

Southern New Jersey
Portion of the Philadelphia
Metropolitan
Nonattainment Area;
comments due by 8-2208; published 7-23-08 [FR
E8-16836]

Environmental Statements; Notice of Intent:

Coastal Nonpoint Pollution
Control Programs; States
and Territories—
Florida and South
Carolina; Open for

comments until further notice; published 2-11-08 [FR 08-00596]

National Oil and Hazardous Substances Pollution Contingency Plan: National Priorities List; comments due by 8-21-08; published 7-22-08 [FR E8-16477]

Pesticide Products; Registration Applications; comments due by 8-22-08; published 7-23-08 [FR E8-16878]

Pesticide Tolerance Nomenclature Changes; Proposed Technical Amendments; comments due by 8-18-08; published 6-18-08 [FR E8-13368]

Protection of Stratospheric Ozone:

Listing of Substitutes for Ozone-Depleting Substances-n-Propyl Bromide in Adhesives, etc.; comments due by 8-22-08; published 6-23-08 [FR E8-14103]

Rule to Implement 1997 8-Hour Ozone National Ambient Air Quality Standard:

Addressing Portion of Phase 2 Ozone Implementation Rule; comments due by 8-20-08; published 7-21-08 [FR E8-16668]

FARM CREDIT ADMINISTRATION

Statement on Regulatory Burden; comments due by 8-22-08; published 6-23-08 [FR E8-14101]

FEDERAL RESERVE SYSTEM

Fair Credit Reporting Risk-Based Pricing Regulations; comments due by 8-18-08; published 5-19-08 [FR E8-10640]

FEDERAL TRADE COMMISSION

Fair Credit Reporting Risk-Based Pricing Regulations; comments due by 8-18-08; published 5-19-08 [FR E8-10640]

HEALTH AND HUMAN SERVICES DEPARTMENT Food and Drug Administration

Medical Devices; Hearing Aids; Technical Data Amendments; comments due by 8-18-08; published 6-2-08 [FR E8-11909]

INTERIOR DEPARTMENT Fish and Wildlife Service

Revision of Regulations Implementing the

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES): Import and Export; comments due by 8-18-08; published 7-17-08 [FR E8-16198]

Revision of Regulations Implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Import and Export of Sturg; comments due by 8-18-08; published 7-17-08 [FR E8-16195]

INTERIOR DEPARTMENT Surface Mining Reclamation and Enforcement Office

Abandoned Mine Land Program; comments due by 8-19-08; published 6-20-08 [FR E8-13310]

JUSTICE DEPARTMENT **Executive Office for** Immigration Review

Board of Immigration Appeals: Affirmance Without Opinion, Referral For Panel Review and Publication of Decisions as Precedents: comments due by 8-18-08; published 6-18-08 [FR E8-13435]

JUSTICE DEPARTMENT

FBI Criminal Justice Information Services Division User Fees; comments due by 8-18-08; published 6-19-08 [FR E8-13819]

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; comments due by 8-18-08; published 6-17-08 [FR E8-

Nondiscrimination on the Basis of Disability by Public Accommodations and in Commercial Facilities; Correction; comments due by 8-18-08; published 6-30-08 [FR E8-14395]

Nondiscrimination on the Basis of Disability in State and Local Government Services; comments due by 8-18-08; published 6-17-08 [FR E8-

Nondiscrimination on the Basis of Disability in State and Local Government Services; Correction: comments due by 8-18-08; published 6-30-08 [FR E8-14388]

LABOR DEPARTMENT **Employees' Compensation Appeals Board**

Rules of Procedure; comments due by 8-19-08; published 6-20-08 [FR E8-13910]

Mine Safety and Health Administration

Conveyor Belt Combustion Toxicity and Smoke Density; comments due by 8-18-08; published 6-19-08 [FR E8-

Petitions for Modification; comments due by 8-21-08; published 7-22-08 [FR E8-166691

Refuge Alternatives for Underground Coal Mines; comments due by 8-18-08; published 6-16-08 [FR E8-

NATIONAL CREDIT UNION **ADMINISTRATION**

Organization and Operations of Federal Credit Unions; comments due by 8-18-08; published 6-17-08 [FR E8-12946]

NATIONAL SCIENCE **FOUNDATION**

Privacy Act; Systems of Records; comments due by 8-21-08; published 7-22-08 [FR E8-16683]

NUCLEAR REGULATORY COMMISSION

NUREG-1886, Joint Canada -United States Guide for Approval of Type B(U) and Fissile Material Transportation Packages, Draft Report for Comment; comments due by 8-19-08; published 6-5-08 [FR E8-12583]

PERSONNEL MANAGEMENT OFFICE

Suitability; comments due by 8-22-08; published 6-23-08 [FR E8-13990]

Testimony by OPM Employees and Production of Official Records in Legal Proceedings; comments due by 8-22-08; published 6-23-08 [FR E8-14059]

SECURITIES AND EXCHANGE COMMISSION

Self-Regulatory Organizations; Proposed Rule Changes: NYSE Arca, Inc; comments due by 8-19-08; published 7-29-08 [FR E8-17307]

SOCIAL SECURITY **ADMINISTRATION**

Technical Changes to the Title II Regulations; comments due by 8-18-08; published 7-17-08 [FR E8-16332]

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air worthiness Directives: Fokker Model F27 Mark 050 Airplanes; comments due

by 8-18-08; published 7-17-08 [FR E8-15711]

Airworthiness Directives:

Boeing Model 747 100, 747 100B, 747 100B SUD, 747 200B, 747 200C, 747 200F. 747 300. 747 400. 747 400D, 747 400F, 747SR, and 747SP Series Airplanes; comments due by 8-18-08; published 7-2-08 [FR E8-14974]

Class E Airspace:

Establishment:

Pampa, TX; comments due by 8-21-08; published 7-7-08 [FR E8-14923]

Plains. TX: comments due by 8-21-08; published 7-7-08 [FR E8-14921]

Establishment of Low Altitude Area Navigation Route (T-Route):

Houston, TX: comments due by 8-18-08; published 7-2-08 [FR E8-15018]

Removal of Class E5 Airspace:

> Madison, CT; comments due by 8-22-08; published 7-23-08 [FR E8-16513]

TRANSPORTATION DEPARTMENT

Federal Railroad Administration

Railroad Workplace Safety: Adjacent-Track On-Track Safety for Roadway Workers; comments due by 8-18-08; published 7-17-08 [FR E8-16140]

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration

Environmental Statements; Availability, etc.:

New Corporate Average Fuel Economy Standards; Notice of Public Hearing; comments due by 8-18-08; published 7-2-08 [FR 08-01406]

TRANSPORTATION DEPARTMENT

Pipeline and Hazardous **Materials Safety Administration**

Petitions for Interim Standards for Rail Tank Cars Used to Transport Toxic-by-Inhalation Hazard Materials; comments due by 8-22-08; published 7-23-08 [FR E8-16535]

TREASURY DEPARTMENT Internal Revenue Service

Accrual Rules for Defined Benefit Plans; comments due by 8-18-08; published 6-18-08 [FR E8-13788]

Contributed Property; comments due by 8-18-08; published 5-19-08 [FR E8-11174]

Tax Return Preparer Penalties; comments due by 8-18-08; published 6-17-08 [FR E8-12898]

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-741-6043. This list is also available online at http:// www.archives.gov/federalregister/laws.html.

The text of laws is not published in the Federal Register but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at http:// www.gpoaccess.gov/plaws/ index.html. Some laws may not yet be available.

H.R. 4841/P.L. 110-297

Soboba Band of Luiseno Indians Settlement Act (July 31, 2008; 122 Stat. 2975)

S. 2565/P.L. 110-298

Law Enforcement Congressional Badge of Bravery Act of 2008 (July 31, 2008; 122 Stat. 2985)

S. 3298/P.L. 110-299

To clarify the circumstances during which the Administrator of the Environmental Protection Agency and applicable States may require permits for discharges from certain vessels, and to require the Administrator to conduct a study of discharges incidental to the normal operation of vessels. (July 31, 2008; 122 Stat. 2995)

S. 3352/P.L. 110-300

To temporarily extend the programs under the Higher Education Act of 1965. (July 31, 2008; 122 Stat. 2998) Last List August 1, 2008

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly

enacted public laws. To subscribe, go to http:// listserv.gsa.gov/archives/ publaws-l.html **Note:** This service is strictly for E-mail notification of new laws. The text of laws is not available through this service.

PENS cannot respond to specific inquiries sent to this address.